

**IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF NEBRASKA**

**DENNIS P. WALKER and DIANA  
WALKER,**

**Plaintiffs,**

**vs.**

**ATLAS MORTGAGE SERVICES, LLC,  
and SETH ROBERTS,**

**Defendants.**

**CASE NO. 8:05CV405**

**ORDER  
CONFIRMING ARBITRATION AWARD**

This matter is before the Court on the Plaintiffs' Motion to Reopen Case and Confirm Arbitration Award (Filing No. 8).

The Defendants' Notice of Removal in this case (Filing No. 1) states that the "underlying dispute is currently the subject of binding arbitration before the American Arbitration Association." (*Id.*, ¶ 6). On September 27, 2005, the parties submitted a joint motion and stipulation to dismiss the case, without prejudice, noting that "the parties have agreed to pursue Arbitration in this matter." (Filing No. 5). On October 3, 2005, the parties' joint motion and stipulation to dismiss was granted, and this case was dismissed, without prejudice. (Filing No. 7). On April 14, 2006, an Award was entered under the authority of the American Arbitration Association Commercial Arbitration Tribunal at Omaha, Nebraska, in the matter of Dennis Walker and Diana Walker v. Atlas Mortgage Services, LLC, and Seth Roberts, Case No. 57 181 00142 05. (Filing No. 9-2, Ex. A). The parties' agreement to arbitrate provides that "[j]udgment upon the award may be entered in any court having jurisdiction." (Filing 9-2, Ex. B). The Plaintiffs' Motion to Reopen Case and Confirm Arbitration Award has been served on the Defendants and their counsel (Filing 10-2), and

counsel for the Defendants has entered his appearance following receipt of service of the Plaintiffs' motion (Filing No. 11), but has not opposed the motion.

The Federal Arbitration Act, at 9 U.S.C. § 9, provides:

If the parties in their agreement have agreed that a judgment of the court shall be entered upon the award made pursuant to the arbitration, and shall specify the court, then at any time within one year after the award is made any party to the arbitration may apply to the court so specified for an order confirming the award, and thereupon the court must grant such an order unless the award is vacated, modified, or corrected as prescribed in sections 10 and 11 of this title. If no court is specified in the agreement of the parties, then such application may be made to the United States court in and for the district within which such award was made.

This Court has jurisdiction in this matter; the Plaintiffs' motion to confirm is timely; and there has been no request that this Court vacate, modify, or correct the Award. Accordingly, the Award will be confirmed.

IT IS ORDERED:

1. The Plaintiffs' Motion to Reopen Case and Confirm Arbitration Award (Filing No. 8) is granted; and
2. The Award of Arbitrator dated April 14, 2006, in the matter of Dennis Walker and Diana Walker v. Atlas Mortgage Services, LLC, and Seth Roberts, Case No. 57 181 00142 05 (Filing No. 9-2, Ex. A, herein) is confirmed.

DATED this 13<sup>th</sup> day of June, 2006.

BY THE COURT

s/Laurie Smith Camp  
United States District Judge